

JRS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BRIAN McCAFFERTY and MELISSA
McCAFFERTY, individually and on behalf
of their minor child, C.M.**

Plaintiffs,

vs.

**NEWSWEEK MEDIA GROUP, LTD, t/a
NEWSWEEK, LLC and/or NEWSWEEK,
INC. and/or NEWSWEEK**

Defendant.

No.: 2:18-cv-01276-JS

JURY TRIAL DEMANDED

FILED

MAY 07 2018

KATE BARKMAN, Clerk
By JL Dep. Clerk

AMENDED COMPLAINT

Plaintiffs, Brian McCafferty and Melissa McCafferty, individually and on behalf of their minor child, C.M., by and through their attorney, Dion G. Rassias, Esquire, hereby demand compensatory and punitive damages against Defendant Newsweek Media Group, Ltd t/a Newsweek, LLC and/or Newsweek, Inc. and/or Newsweek in an amount substantially in excess of any applicable arbitration limits, exclusive of their demand for interest, costs and damages for pre- and post-judgment delay, and in support thereof, state and aver as follows:

I. THE PARTIES

1. Plaintiffs Brian McCafferty and Melissa McCafferty are adult individual residents of the Commonwealth of Pennsylvania with an address for service c/o Dion G. Rassias, Esquire, 1125 Walnut Street, Philadelphia, PA 19107. Their minor son, C.M. is also one of the Plaintiffs in this action.

2. Defendant Newsweek Media Group, Ltd t/a Newsweek, LLC and/or Newsweek, Inc. and/or Newsweek (hereinafter collectively “Newsweek” or “Defendant”) publishes a weekly magazine known as *Newsweek*.

3. The adult Plaintiffs are members of their communities' service industry; Plaintiff Melissa McCafferty is an attorney in Chester County, Pennsylvania, and Plaintiff Brian McCafferty is a Philadelphia-based businessman.

II. JURISDICTION AND VENUE

4. This Honorable Court has subject matter and specific jurisdiction over this case pursuant to the principles of diversity set forth in 28 U.S.C. § 1332, and because the amount in controversy substantially exceeds \$75,000.00.

5. Venue is appropriately situated in this Honorable Court, because the Plaintiffs reside in the Eastern District of Pennsylvania, and because the Defendant regularly, systematically and continually transacts business in this district.

6. Defendant, either individually or through a network of distributors, regularly distributes its magazine in Philadelphia, Pennsylvania on a systematic and daily basis, and has done so for decades. The Defendant also sells its magazine in Philadelphia on a daily basis and has done so systematically and continuously for decades.

7. In addition, the Defendant also makes the online version of its stories, including the offending article identified more fully below, available in and throughout Philadelphia on a regular, systematic and continuous basis.

III. FACTUAL BACKGROUND

8. In its January 5, 2018 through January 12, 2018 magazine, the Defendant published an article called "Trump's Mini-Mes." A true and correct copy of the article, with the specific offending phrases highlighted in red and yellow, is attached hereto as Exhibit "A."

9. Right off the bat, the offending article, in the by-line right below the bold “Trump’s Mini-Mes,” claims that “the alt-right” deployed a 12-year-old Trump supporter and then continues, “she’s not the only kid in this weird little army.”

10. This occurs directly underneath a photograph of Plaintiff C.M.

11. Obviously, the clear inference is that C.M. is another “kid” in the weird army.

12. Thus, *Newsweek* is both directly stating and falsely implying, factually, that the alt-right has created a weird little army and that C.M. is a part of it. These are *Newsweek*’s own words, and are not capable of anything but their plain and ordinary meaning, all as published underneath a photograph of C.M.

13. *Newsweek* has declared factually that C.M. has been “deployed” by the alt-right in a “weird little army.” Then, the offending article gets even worse. On the same page, *Newsweek* states factually that the purpose of this weird little army is to support and defend racism (a potential crime) and sexual abuse (an actual crime). Specifically, *Newsweek* states, “these kids are being weaponized,...[to] defend[] raw racism and sexual abuse.”

14. Continuing, the Defendant wrote, edited and/or published its offending article, with C.M.’s picture, touting that it is “repulsive” to feature children as potential spokespersons, claiming that the voices behind C.M. are “hiding” behind children as part of a sinister plot to weaponize children through the seduction of becoming “a celebrity.”

15. The obvious inference created by the offending article is that not only is C.M. part of the alt-right’s weird little army that is out to support and defend racism and sexual abuse, is the direct inference that C.M.’s parents have permitted such “weaponization” of their child, that they are “the voices behind” their child, to be a part of this alt-right army that supports and defends raw racism and sexual abuse.

16. In reality, it is *Newsweek* itself that is disgracefully “weaponizing” children through its article.

17. In fact, one of *Newsweek*’s editors recently admitted that, “The sexual abuse of children will always exist. You can never eliminate it. Sometimes it leads to great art.” Thus, *Newsweek* condones an editorial belief that pedophilia is potentially “great art,” and now, this article deliberately weaponizes children to promote racism and sexual abuse, all for a desperate *Newsweek* to sell magazines.

18. *Newsweek*’s motivation for such substandard journalism must be, at least in part, its declining and anemic sales and online hits.

19. The offending article directly and indirectly falsely also reports that C.M.’s parents are scripting his words and actions.

20. To forever link C.M. and his parents to supporting and defending racism and/or sexual abuse in any manner whatsoever is false, defamatory and outrageous, and no reasonable journalist or editor could possibly believe that what was written is true. As such, this constitutes a reckless and malicious publication of false facts and inferences.

21. *Newsweek*, faced with anemic sales, a burgeoning federal investigation, and a forever dwindling readership, chose to aggressively and maliciously sensationalize children through these completely false facts and innuendo, all in an effort to create interest in its struggling publication with a despicable journalistic tactic that *Newsweek* itself refers to as “click bait.”

22. Then, to make these dubious factual conclusions much worse, *Newsweek* links C.M. – by his picture and by words – to supporting and defending the crimes of racism and sexual abuse, which is, of course, despicable beyond words and a demonstrably false fact.

23. In the ultimate disregard of the Plaintiffs' rights, *Newsweek* never even tried to contact the parents, or C.M., to discuss the facts set forth in its ridiculously offensive and false article.

24. *Newsweek* continues to publish the article to this day on its website.

25. At no time did *Newsweek* have the Plaintiffs' consent to publicize the minor Plaintiff's picture in this regard and for its own commercial gain.

26. As a result of the foregoing, the Plaintiffs have sustained harm, damages and injuries, including general reputational damages.

COUNT I – FALSE LIGHT
All Plaintiffs v. Defendant

27. The allegations of paragraphs 1-26 above are incorporated herein as though fully set forth at length.

28. The offending article publishes facts and innuendo which hold the Plaintiffs in false light in that:

- a. C.M. has never been deployed for anything by the alt-right;
- b. C.M. is not a member of the alt-right;
- c. C.M. is not a part of a “weird little army” and never has been;
- d. C.M. has never been weaponized by anyone;
- e. C.M. has never supported or defended racism (a potential crime);
- f. C.M. has never supported or defended sexual abuse (a crime);

- g. C.M. has never been a spokesperson for the alt-right or anything even remotely related to racism;
- h. C.M. has never been a spokesperson for the alt-right or anything even remotely related to sexual abuse;
- i. C.M. has never read chapter and verse of a text written by anyone else;
- j. C.M. does not revel in a chance to “show off;”
- k. C.M. has never been promised any type of celebrity status for anything, no less the expression of protected First Amendment rights; and
- l. C.M. never authorized the use of his picture by the Defendant.

29. The offending article holds the parent-Plaintiffs in false light in that:

- a. They have never used their child or authorized their child to be a spokesperson for anything, much less the crime(s) *Newsweek* has imputed to them or their son;
- b. They have never supported or defended sexual abuse, or any other criminal conduct, in any fashion, individually or through their child;
- c. They have never supported or defended racism, or any other criminal conduct, in any fashion, individually or through their child;
- d. They have never permitted their child to be weaponized by anyone else;
- e. They have never weaponized their child;
- f. They have never prepared a written text for their child for any First Amendment expression;
- g. They have never seduced their child with the promise of celebrity status for any reason;
- h. They have never authorized their child to be “deployed” by the alt-right; and
- i. They have never permitted their child to be a part of any “little army,” weird or otherwise.

30. The offending article was published and/or distributed by the Defendant.

31. It is evident that the offending publication at issue applies to the Plaintiffs, especially since C.M.'s picture previews the entire article.

32. *Newsweek* published an article that, as explained in detail above, created several false impressions, which culminated with a knowing or reckless portrayal of C.M. as a member of a weird little army that is used by the alt-right as a weapon to defend raw racism and sexual abuse. In so doing, the offending publication also has created the false impression that C.M.'s parents are directly or indirectly responsible for C.M.'s participation in events and organizations that he is not a participant in and does not condone.

33. *Newsweek* has therefore subjected all of the Plaintiffs to unreasonable and highly objectionable publicity, attributing to them characteristics, conduct and/or beliefs that are completely false. Therefore, C.M. and his parents have been placed before the public in an entirely false position.

34. The false light that the Defendant has put the Plaintiffs in is of a kind that would be highly offensive to any reasonable person, because of the false representation of their character, history, activities and beliefs, and that serious offense would obviously be taken by any reasonable person in each Plaintiff's position. The offending article described above in detail unreasonably implies false and defamatory facts and associations which none of the Plaintiffs have participated in or adhered to, which were completely exacerbated by the fact that the Defendant chose to publish C.M.'s picture as a headliner to the offensive article.

35. The conduct of the Defendant with respect to such false light reporting has served to disgrace the Plaintiffs. It is not "an opinion" to write that C.M. has been weaponized. It is not "an opinion" to write that C.M. is part of a weird little alt-right army. It is not "an opinion" to

write that C.M. defends raw racism or sexual abuse. It is further not an opinion to write that C.M. is reading chapter and verse from a text written by someone else or has been seduced with the promise of celebrity status. These are all factual statements which are wrong.

36. There is no possible innocent interpretation of the publication identified more fully above; it is a heinous, horrendous, demonstrably false and malicious message, and the Defendant knew that writing these facts was false and should never have occurred.

37. The offending article contains a series of lies and innuendo for which the Defendant must be held accountable. As a direct and proximate result of the Defendant's deliberate and/or reckless misconduct as set forth in detail above, the false light invasion of the Plaintiffs' privacy has caused mental suffering, anguish, shame and humiliation for the Plaintiffs, just as it would for any reasonable person of ordinary sensibilities who find their child under such a highly offensive, national attack.

38. The Defendant has removed the photograph of C.M. at the time of this filing, and discovery will confirm how long the photograph was, in fact, maintained on the Defendant's website and social media accounts.

39. Plaintiffs seek compensatory and punitive damages as a result of the Defendant's outrageous conduct identified above.

WHEREFORE, Plaintiffs demand judgment against Defendant in an amount in excess of the arbitration limits, together with costs of this litigation, delay damages, interest and any further relief this Honorable Court deems just and appropriate.

COUNT II – DEFAMATION
All Plaintiffs v. Defendant

40. The allegations of paragraphs 1-39 above are incorporated herein as though fully set forth at length.

41. The offending article publishes facts and innuendo which are defamatory in that:
- a. C.M. has never been deployed for anything by the alt-right;
 - b. C.M. is not a member of the alt-right;
 - c. C.M. is not a part of a “weird little army” and never has been;
 - d. C.M. has never been weaponized by anyone;
 - e. C.M. has never supported or defended racism (a potential crime);
 - f. C.M. has never supported or defended sexual abuse (a crime);
 - g. C.M. has never been a spokesperson for the alt-right or anything even remotely related to racism;
 - h. C.M. has never been a spokesperson for the alt-right or anything even remotely related to sexual abuse;
 - i. C.M. has never read chapter and verse of a text written by anyone else;
 - j. C.M. does not revel in a chance to “show off;”
 - k. C.M. has never been promised any type of celebrity status for anything, no less the expression of protected First Amendment rights; and
 - l. C.M. never authorized the use of his picture by the Defendant.
42. The offending article is defamatory with regard to the parent-Plaintiffs in that:
- a. They have never used their child or authorized their child to be a spokesperson for anything, much less the crime(s) *Newsweek* has imputed to them or their son;
 - b. They have never defended sexual abuse, or any other criminal conduct, in any fashion, individually or through their child;
 - c. They have never defended racism, or any other criminal conduct, in any fashion, individually or through their child;
 - d. They have never permitted their child to be weaponized by anyone else;
 - e. They have never weaponized their child;

- f. They have never prepared a written text for their child for any First Amendment expression;
- g. They have never seduced their child with the promise of celebrity status for any reason;
- h. They have never authorized their child to be “deployed” by the alt-right; and
- i. They have never permitted their child to be a part of any “little army,” weird or otherwise.

43. The offending article was published and/or distributed by the Defendant.

44. It is evident that the offending publication at issue applies to the Plaintiffs, especially since C.M.’s picture previews the entire article.

45. The offending article ascribes to the Plaintiffs certain conduct, character and/or conditions that adversely affect their reputations.

46. The conduct of the Defendant with respect to such defamatory reporting has served to disgrace the Plaintiffs. It is not “an opinion” to write that C.M. has been weaponized. It is not “an opinion” to write that C.M. is part of a weird little alt-right army. It is not “an opinion” to write that C.M. defends raw racism or sexual abuse. It is further not an opinion to write that C.M. is reading chapter and verse from a text written by someone else or has been seduced with the promise of celebrity status. These are all factual statements which are wrong

47. There is no innocent or justifiable, non-defamatory interpretation of this offending article. The Defendant knew that writing these facts was false and should never have occurred.

48. There is no doubt that the effect of this offending article would cause great harm to the general reputation of the Plaintiffs and lower them in the estimation of their community in the minds of average readers.

49. At no time did the Defendant ever attempt to contact C.M. or C.M.'s parents but instead, bombastically published the falsities written above underneath a picture of C.M.

50. As a direct and proximate result of the conduct set forth at length above, the Plaintiffs have endured mental suffering, shame and humiliation, all as would obviously be perceived by any reasonable person of ordinary sensibilities whose child was labeled as a member of an alt-right, weird little army who is weaponized to defend raw racism and sexual abuse, based upon text written by somebody else, and seduced with the promise of becoming a celebrity.

51. The Defendant has removed the photograph of C.M. at the time of this filing, and discovery will confirm how long the photograph was, in fact, maintained on the Defendant's website and social media accounts.

52. Plaintiffs seek compensatory and punitive damages as a result of the Defendant's outrageous conduct identified above.

WHEREFORE, Plaintiffs demand judgment against Defendant in an amount in excess of the arbitration limits, together with costs of this litigation, delay damages, interest and any further relief this Honorable Court deems just and appropriate.

NOTICE OF PRESERVATION OF EVIDENCE

PLAINTIFFS HEREBY DEMAND AND REQUEST THAT DEFENDANTS TAKE NECESSARY ACTION TO ENSURE THE PRESERVATION OF ALL DOCUMENTS, COMMUNICATIONS, WHETHER ELECTRONIC OR OTHERWISE, ITEMS AND THINGS IN THE POSSESSION OR CONTROL OF ANY PARTY TO THIS ACTION, OR ANY ENTITY OVER WHICH ANY PARTY TO THIS ACTION HAS CONTROL, OR FROM WHOM ANY PARTY TO THIS ACTION HAS ACCESS TO, ANY DOCUMENTS, ITEMS,

OR THINGS WHICH MAY IN ANY MANNER BE RELEVANT TO OR RELATE TO THE SUBJECT MATTER OF THE CAUSES OF ACTION AND/OR THE ALLEGATIONS OF THIS COMPLAINT.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial.

THE BEASLEY FIRM, LLC

BY: /s/ Dion G. Rassias
DION G. RASSIAS, ESQUIRE
Attorney I.D. No.: 49724
1125 Walnut Street
Philadelphia, PA 19107
(215) 592-1000
(215) 592-8360 (facsimile)

DATED: May 7, 2018

FILED
MAY 07 2018
KATE BARKMAN, Clerk
By JL Dep. Clerk

Exhibit

A

Putin's American Sock Puppet / Biden's Last Chance

01.05.2018-01.12.2018

Newsweek

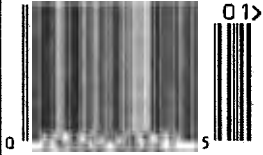
Make Trump Great

Steve
Bannon
says he
knows how
to

even if it
means
killing the
Republican
Party

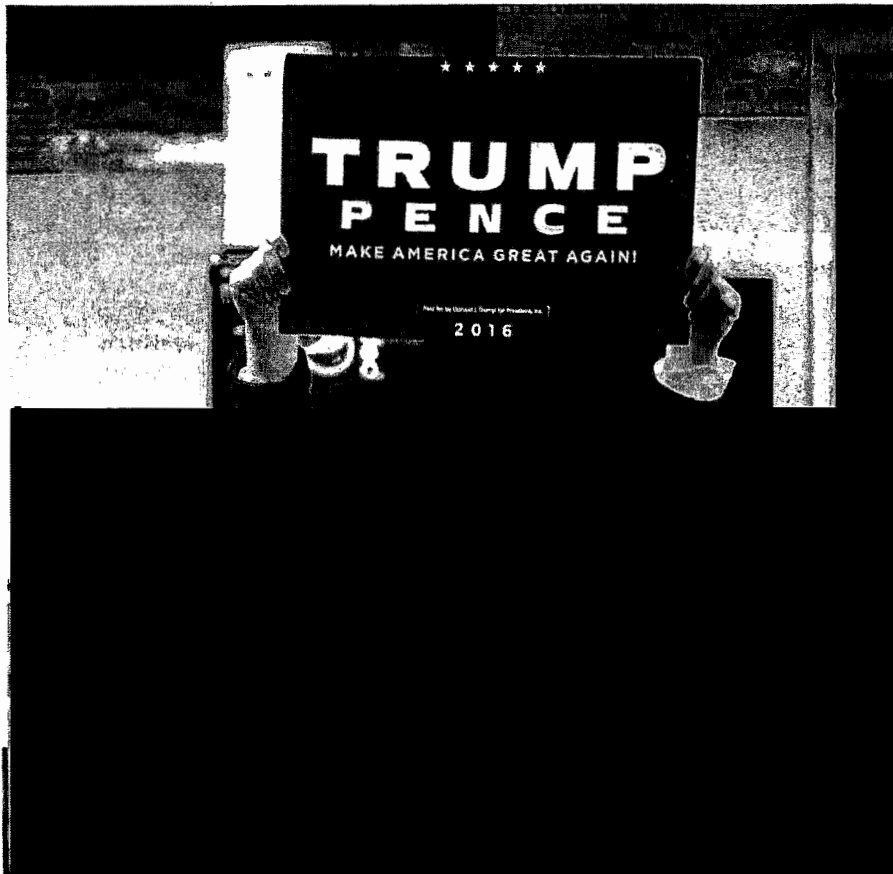


\$9.99



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Periscope



POLITICS

Trump's Mini-Mes

- The alt-right deployed a 12-year-old Trump supporter to interview Roy Moore on the eve of the special Senate election. She's not the only kid in this weird little army.

WATCH MILLIE MARCH OR both of them 12, expound about their love of President Donald Trump and the platforms and candidates he endorses (most recently, Millie deployed to Alabama for a cute-if-it-weren't-so-contextually-creepy interview with Senate candidate Roy Moore), and you'll notice that they both speak like Trump. And like him, they seem very comfortable in front of the cameras. Here's Millie on Trump in a 2017 video interview with Jennifer Lawrence, vice president of the America First Project,

JUST KIDDING Both, left, and Millie, seen here with prime-time Fox News host Laura Ingraham, have gone viral with videos in which they tout all things Trump.

a populist-nationalist super PAC: "One of the other reasons I like him is because, and this is my favorite reason: 'We will build a waaaaalll on our southern borders. And Mexico, no buts about it, Mexico will paaaay for the wall.'" Or to Infowars's Alex Jones, last October: "By the way, I saw your interview with Megyn Kelly; you got her good. You got her good. She thought she was going to make a fool of you, but you turned it around, and you proved her to be a liar."

Both instances demonstrate how Trump supporters are recruiting children as spokespeople. Jones, once he got done digressing to his 12-year-old guest about Kelly's hotness, hailed as part of the new wave of resistance to the "globalists"—a term the Anti-Defamation League considers an anti-Semitic dog whistle. "These kids are being weaponized," says Todd Gitlin, professor of journalism and sociology at Columbia University. He says the Millie and interviews "camouflage" positions of the hard right "as feel-good sweetness and light, when, in fact, they are defending raw racism and sexual abuse."

Both Republicans and Democrats use kids for political purposes, Gitlin adds. Before the 2016 election, J.J. Holmes, a 12-year-old from Florida who suffers from cerebral palsy, preprogrammed his computerized speech device to chant "Dump Trump" and "Trump mocks the disabled" and then hit Play at a Trump rally in Tampa. (He was booed by the crowd, and he and his family were escorted

BY

GRAHAM LANKTREE
@g_lanktree

out.) Days later, J.J. gained even more media attention when he met President Barack Obama (thanks to the intervention of a reporter) at a campaign event in Kissimmee.

But there is a big difference, Gitlin says, between demonstrating at rallies and being held up as political pundits in videos intended to go viral. "What I find repulsive is featuring children as spokespersons. That's hiding behind children." The younger they are, "the more [likely] they're being made use of in a fashion that is unseemly."

Millie's big break came last February at the 2017 Conservative Political Action Conference, where the America First Project published the video of her talking about Trump's wall, his positions on illegal immigration and how she believes teachers unions control American education. The video has earned nearly 750,000 views.

Several former Breitbart News employees started the America First Project, which also organized Millie's interview with Moore. One of them, Patrick Howley, told *The Atlantic* early this year that he quit Breitbart because he believed it had gone mainstream after Steve Bannon left the organization to run the Trump campaign in August 2016. During the campaign, Bannon characterized Breitbart as a platform for the so-called alt-right, a loose-knit group of nationalists, white supremacists and conspiracy theorists. Infowars's Jones caters to the alt-right in his politics and screeds. Howley described the America First Project as an "advocacy organization that is going to advocate for Trump administration policies that generally fall under a populist-nationalist window."

In his interview with Millie, Moore supported sending America's military to the U.S.-Mexico border to stop illegal immigration. He has also spoken against homosexuality.

Recently, he said the last time America was "great" was during slavery, and he has advocated for doing away with constitutional amendments against the institution. Millie did not ask Moore about the sexual-assault accusations against him.

"The picture has been painted that Millie does not have the ability to think for herself or that somehow she was forced into going to Alabama," America First's Lawrence says in an email to *Newsweek*. "To believe that takes away from the amazingly talented little girl that Millie March is and the force she brings to the entire political movement." Millie did not respond to a request for an interview.

"She is better spoken and a better

interviewer than most people working for mainstream media outlets today," Lawrence adds. "We were contacted by Millie's father, Frank, about Millie wanting to go to Alabama to campaign for Judge Roy Moore—someone who she met in the past—following the allegations that were brought against him by attorney Gloria Allred."

Allred represents Beverly Young Nelson, who says Moore sexually assaulted her while he was a district attorney in his 30s and she was 16. A woman named Leigh Corfman accuses Moore of assaulting her when she was 14. Multiple other women have shared stories about how Moore pursued them when they were teens.

"Besides what you see in the video, Millie knocked on doors, phone-banked and attended church with Judge Moore and his family," Lawrence says, pointing out that "alleged" is the key word in the accusations against him.

Paul Begala, a longtime Democratic strategist, said Millie's interview with Moore is at best a case of very poor judgment by her handlers. "Words fail me," he said on CNN after the America First Project published the interview. "The fact that he's accused of sexually assaulting a 14-year-old girl and would sit down with a 12-year-old [girl], when he's not talking to any journalists..."

"These kids are reveling in the chance to show off," Gitlin says. "They're getting the chance to be little celebrities. If a kid is...reading chapter and verse a text written by somebody else, and is circumventing grown-up questions, then I think that's bait-and-switch politics."

"There's a sinister quality to this. Kids are being seduced with the promise of being celebrities. In this case, the instigators are recruiting for a sort of boys' and girls' auxiliary, for what they believe to be a sacred crusade." ■

"What I find repulsive is featuring children as spokespersons. That's hiding behind children."



FROM LEFT: MARIA YOUNG; JEFF MALET/NEWS.COM

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BRIAN McCAFFERTY and MELISSA McCAFFERTY, individually and on behalf of their minor child, C.M.

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dion G. Rassias, Esquire, The Beasley Firm, LLC, 1125 Walnut Street, Philadelphia, PA 19107

DEFENDANTS

NEWSWEEK MEDIA GROUP, LTD t/a NEWSWEEK, LLC and/or NEWSWEEK, INC. and/or NEWSWEEK

County of Residence of First Listed Defendant New York

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Michael Berry, Esquire, Ballard Spahr, LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332

Brief description of cause:

Defamation and False Light

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/07/2018

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

BRIAN McCAFFERTY and MELISSA McCAFFERTY,
indiv. and on behalf of their minor child, C.M.

v.

NEWSWEEK MEDIA GROUP, LTD t/a NEWSWEEK,
LLC and/or NEWSWEEK, INC. and/or NEWSWEEK

CIVIL ACTION

NO. 2:18-cv-01276-JS

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>May 7, 2018</u>	<u>Dion G. Rassias, Esquire</u>	<u>Plaintiffs</u>
Date	Attorney-at-law	Attorney for
<u>215-592-1000</u>	<u>215-592-1523</u>	<u>dgr@beasleyfirm.com</u>
Telephone	FAX Number	E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: c/o Counsel, 1125 Walnut Street, Philadelphia, PA 19107

Address of Defendant: 7 Hanover Square, 5th Floor, New York, NY 10004

Place of Accident, Incident or Transaction: National publication Newsweek

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify) Defamation & False Light
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Dion G. Rassias, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: May 7, 2018



Attorney-at-Law

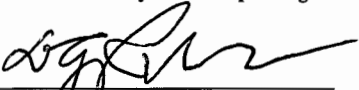
49724

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: May 7, 2018



Attorney-at-Law

49724

Attorney I.D.#